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8296

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EXAMINER

ENGLISH, JAMES A

ART UNIT

PAPER NUMBER

3616

MAIL DATE

DELIVERY MODE

08/31/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1-2, 5, 9-10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spencer et al. (US 6,619,689) in view of DiBattista et al. (US 2003/0132657).

With respect to claims 1, 5, 9-10 and 13, Spencer et al. discloses a method of making an airbag (232) and an airbag (232), the method comprising the steps of blow moulding a selected plastics material comprising PC to form the airbag (232) utilizing a mould corresponding to the final uninflated state (273, 275) of the airbag (232). (Figs. 12 and 18-19, col. 4, lines 4-11, col. 6, lines 7-27 and col. 7, lines 1-4.) Spencer et al. further discloses the mould being such that the moulded airbag (232) has at least one indented annular groove (269), which, on inflation of the airbag (232) becomes outwardly extending and a central indented area (Modified. Fig. 14 – below), which the annular groove (269) surrounds the central indented area (Figs. 14 and 17). (Figs. 14-17, col. 5, lines 5-67 and col. 6, lines 1-58.) Spencer et al. suggests that other suitable thermoplastic materials may be used but does not specifically state using ABS. (Col. 6, line 64-67 and col. 7, lines 1-4.) DiBattista et al. teaches of using a blow molded (paragraph 28) thermoplastic material comprising a 100 weight percent mixture, or a

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mixture consisting essentially of ABS and PC (paragraph 27: “thermoplastic materials ... include ... thermoplastic polycarbonate ... thermoplastic acrylonitrile-butadiene-styrene ... and mixtures ... containing one or more thereof.”) to form an automotive airbag (Paragraph 59). (Paragraphs 26-28, 58-59.) It would have been obvious to one having ordinary skill in the art at the time the invention was made to make a blow-moulded airbag made of ABS and PC as described in DiBattista et al. into the invention of Spencer et al. in order to make an automotive airbag whose structure is rigid. (Paragraphs 27-28, 59.) In addition, Spencer et al. discloses the claimed invention except for specifically stating ABS as a suitable thermoplastic material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use ABS in combination with PC, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. See also *Ballas Liquidating Co. v. Allied industries of Kansas, Inc.* (DC Kans) 205 USPQ 331.

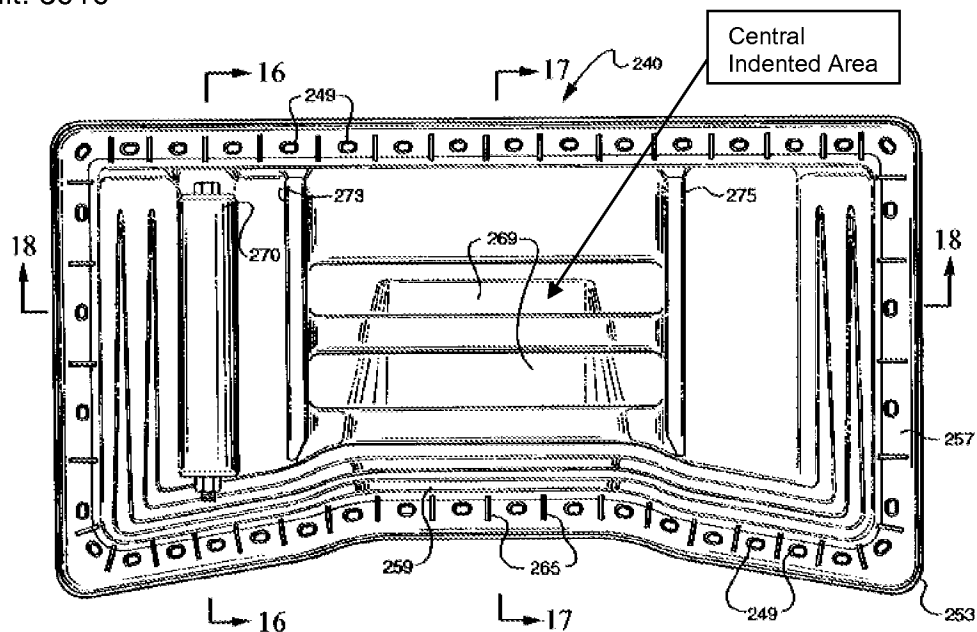


FIG. 14

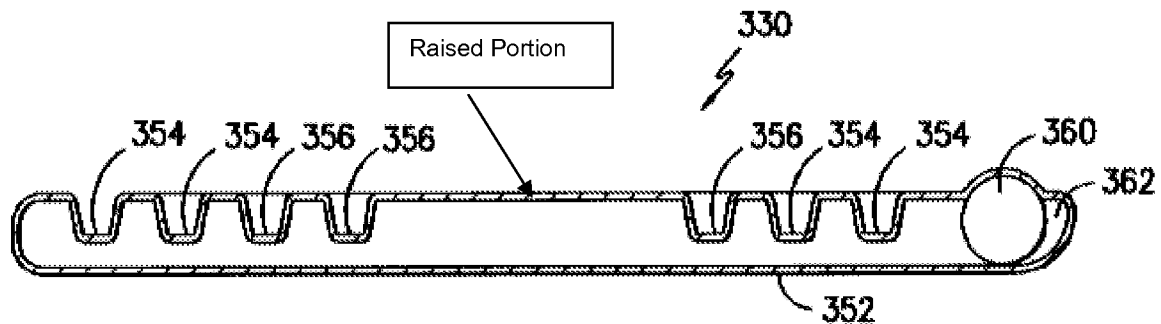
With respect to claim 2, Spencer et al. discloses a gas generator (270) for the airbag (232). (Col. 6, lines 1-6.)

3. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spencer et al. and DiBattista et al., as applied to claim 1 above, and further in view of Conlee et al. (US 6,758,493).

With respect to claims 11-12, Spencer et al., as modified, discloses a blow moulded airbag wherein the indented region (269) comprises an annular indented groove (Fig. 12) but does not disclose the indented region surrounding a raised portion. Conlee et al. teaches of a blow moulded inflatable airbag that has an annular groove (354) including a substantially oval shape (Fig. 13) that surrounds a raised portion (Modified. Fig. 14). (Figs. 13-15, col. 3, lines 64-67, col. 4, lines 1-13, col. 6, lines 66-67, col. 7, lines 1-29.) It would have been an obvious matter of design choice to make the different portions of the annular groove of whatever form or shape was desired or

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expedient. A change in form or shape is generally recognized as being within the level of ordinary skill in the art, absent any showing of unexpected results. *In re Dailey et al.*, 149 USPQ 47.



Response to Arguments

4. Applicant's arguments filed 08/13/2010 have been fully considered but they are not persuasive. Applicant argues that DiBattista et al. (1) teaches away from using PC and ABS in forming a flexible structure (See Remarks, pages 5-6) and (2) is non-analogous art since it is directed to a seat assembly (See Remarks, pages 7-8). Regarding (1), the base teaching reference Spencer et al. discloses a blow moulded airbag that becomes outwardly extending upon inflation and discloses using PC "and other suitable thermoplastic materials" (Figs. 14 and 17, col. 6, lines 64-67 and col. 7, lines 1-4) but does not specifically state ABS. DiBattista teaches of using a 100% weight mixture of ABS and PC (paragraph 27) to form a blow molded (paragraph 28) airbag (paragraph 59). One having ordinary skill in the art at the time the invention was made would look to DiBattista to determine "other suitable thermoplastic materials" to use for an automotive airbag and although DiBattista discloses (10) as a rigid seat

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support, DiBattista discloses that the material combination can be used in automotive airbag applications. Therefore, one having ordinary skill in the art would apply the materials disclosed in DiBattista into Spencer to develop the airbag and not the structure or thickness of the seat support. Regarding (2), although DiBattista discloses a molded article being a seat structure, DiBattista also clearly discloses the blow molded (paragraph 28) article being applicable to "automotive air-bags" (paragraph 59). One having ordinary skill in the art at the time the invention was made would look to DiBattista to determine suitable thermoplastic materials to use in a blow molded article in an automotive air-bag application. (Paragraphs 27-28, 59.)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James English whose telephone number is (571)270-7014. The examiner can normally be reached on Monday - Friday, 8:00 - 4:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on (571)272-7742. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/James English/
Examiner, Art Unit 3616

/Paul N. Dickson/
Supervisory Patent Examiner, Art Unit 3616